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## Judiciary Committee

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### HB 3082

**Title:** An act relating to administration of the courts of limited jurisdiction.

**Brief Description:** Changing provisions that govern municipal courts.

**Sponsors:** Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon.

Brief Summary of Bill
<ul style="list-style-type: none"><li>Expressly authorizes cities to contract with other cities for the delivery of municipal court services; and</li><li>Requires election of municipal court judges who serve populations of 60,000 or more.</li></ul>



**Hearing Date:** 1/30/06

**Staff:** Bill Perry (786-7123).

**Background:**

**Organization of Municipal Courts.**

There are three methods explicitly authorized in statute for a city to use in providing court services. (Note: These provisions do not apply to a city of more than 400,000 population, *i.e.*, Seattle, which has its own municipal court provision.)

- A city is authorized to create and operate its own court of limited jurisdiction. The city bears the cost of running an independent municipal court.
- If a city terminates its own municipal court, it is authorized to come to agreement with the county for the delivery of court services by the county district court. Under this arrangement, the city pays the county for all aspects of the delivery of court services.
- A city is also authorized to petition the county for the creation of a "municipal department" within the district court. These municipal courts are part of the county district court. Under this arrangement, the city provides the facilities and the staffing for the court and pays the county for the services of a district court judge.

Under other provisions of law, interlocal agreements generally may be used by two or more units of local government to do jointly whatever those governments are authorized to do separately.

There is nothing in either the law on courts of limited jurisdiction or the law on interlocal agreements, however, that expressly authorizes a city that is not operating its own municipal court to enter into an agreement with another city for court operations. There is also a question as to whether such a joint court is an authorized venue for matters arising out of ordinances adopted in a city in which the court is not located.

A number of municipalities, particularly in King County, have entered into interlocal agreements with each other for the operation of municipal courts. King County has indicated that it intends to terminate its contracts with these cities for the operation of municipal courts. Concern has been expressed that an increasing number of cities will be pursuing interlocal agreements with each other to provide court services.

### **Selection of Municipal Court Judges.**

Municipal court judges who work 35 or more hours per week are considered full-time judges and are required to be elected. Any city with at least one full-time judge must elect any additional part-time judge, or combination of part-time judges, that constitutes more than one half of a full-time position. Judges not covered by these mandatory election provisions may be elected or appointed.

### **Jurisdiction of Municipal Courts.**

Municipal courts have jurisdiction over misdemeanor violations. Counties and cities are expressly made responsible for the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenses committed in their jurisdictions and referred to their courts by their law enforcement agencies.

### **Summary of Bill:**

A city is expressly authorized to contract with another jurisdiction or jurisdictions for the delivery of municipal court services. A "host" jurisdiction is one to which a contracting city pays money for judicial services. The host may be the county in which the contracting city is located, or it may be another city.

A host city or county is given exclusive original jurisdiction over cases filed by the contracting city.

The requirements for electing municipal judges are changed. Municipal court judges in jurisdictions of more than 60,000 population must be elected. If the combined population of a hosting jurisdiction and one or more of its contracting jurisdictions exceeds 60,000, any judge in the host jurisdiction must be elected.

Traffic infractions are added to the list of judicial matters for which a county or city is expressly responsible if the matter is referred to the court by a law enforcement agency within the jurisdiction.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2006.